

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

**ERIK MACAK; ATHENA MACAK
(CRAMMER); T.M.; A.M.; and R.M.,**

Plaintiffs,

Case No. 3:19-cv-01818-SB

v.

OPINION AND ORDER

MICHELLE SPENCE, et al.,

Defendants.

MOSMAN, J.,

On May 26, 2020, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [ECF 11], recommending that I grant Plaintiffs’ Application to Proceed *in forma pauperis* [ECF 10], but that I dismiss Plaintiffs’ First Amended Complaint [ECF 9]. No objections were filed.

LEGAL STANDARD

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See*

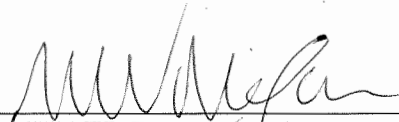
Thomas v. Arn, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review of the F&R, I agree with Judge Beckerman's analysis and conclusions. Therefore, I ADOPT her F&R [11] in full. I GRANT Plaintiffs' application to proceed *in forma pauperis* [10], but I DISMISS Plaintiffs' First Amended Complaint [9] and will allow Plaintiffs to file a second amended complaint within thirty days of the date of this order, if they are able to cure the deficiencies identified in Judge Beckerman's F&R.

IT IS SO ORDERED.

DATED this 31st day of July, 2020.


 MICHAEL W. MOSMAN
 United States District Judge